

REMARKS

By this amendment, new claims 358-372 have been added. Additionally, claims 328-357 have been cancelled without prejudice or disclaimer in favor of presentation of this subject matter in a divisional application. The specification has been amended to correct certain informalities. Accordingly, claims 358-372 are currently pending in the application, of which claims 358-367, 369, and 371 are independent claims.

Applicants respectfully submit that the new claims do not add new matter to the application. New claims 358-372 include similar limitations as cancelled claims 260, 261, 272, 273, 288, 298, 309, 310, 320, and 322-327 previously examined in the Office Action.

In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 103

In the Office Action, claims 260, 261, 272, 273, 288, 298, 309, 310, 320, and 322-327 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,946,634, issued to Korpela ("Korpela") in view of 3GPP TS 25.331, V3.0.0 (1999-10) ("Specification").

Applicants have cancelled claims 260, 261, 272, 273, 288, 298, 309, 310, 320, and 322-327 without prejudice or disclaimer of patentability, and the rejections thereof are rendered moot as applied to these claims. However, claims 358-372 contain similar limitations as claims 260, 261, 272, 273, 288, 298, 309, 310, 320, and 322-327, and the examiner's rejection of claims 260, 261, 272, 273, 288, 298, 309, 310, 320, and 322-327 may not be asserted against the new claims for at least the following reasons.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the reference or references, when combined, must disclose or suggest all of the claim limitations. The motivation to modify the prior art and the reasonable expectation of success must both be found in the prior art and not based upon a patent applicant's disclosure. See *in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Assuming *arguendo* that the references may be combined and a reasonable expectation of success exists, the combined references do not disclose or suggest all of the claim limitations.

Claims 358, 359, 362, 364, 365, and 367 each recite, *inter alia*, "providing the terminal with a message including a core network operating type information representing an operating type of a core network." (emphasis added)

Claims 360, 361, 369, and 371 each recite, *inter alia*, "messaging block, contained in the radio network, for periodically providing the terminal with the core network operating type information contained in a message." (emphasis added)

Claim 363 and 366 each recite, *inter alia*, "messaging block for providing the terminal with the core network operating type information contained in a message." (emphasis added)

Korpela and the Specification, either alone or in combination, fail to disclose at least these features. The examiner asserts that Korpela discloses these features as applied to the cancelled claims at Korpela's Fig. 9, steps 1202-1206, and at col. 6, lines 29-41. See Office Action, page 2-3. Applicants respectfully disagree.

Referring to Fig. 8 and col. 6, lines 15-25 of Korpela, a signal transmitted from the radio access network includes a country identification portion 101, a network identifying portion 103, and a backbone network type code 102. The backbone network type code 102 indicates, at

most, "whether the network is, for example, a GSM network, a B-ISDN network, and so on," which is distinct from a core network operating type. Korpela, col. 6, lines 24-25. Neither the country identification portion 101, the network identifying portion 103, nor the backbone network type code 102 discloses "core network operating type information" such as information that indicates whether a core network is a global system for mobile communications-mobile application part (GSM-MAP) network or an ANSI-41 network.

Applicants' position is further supported by section 10.2.1.1 CN Domain Identity of 3GPP Technical Specification TS 25.331 version 1.1.0 (1999-06), which is attached as an exhibit. Section 10.2.1.1 defines the CN Domain Identity as the element that "[p]oints out the core network domain" (e.g. IP or PSTN/ISDN CN domain)" (emphasis added). Similarly, Korpela defines the backbone network type as "GSM networks, GSM evolutionary networks, or broadband ISDN (B-ISDN) networks." Korpela, col. 2, lines 38-40. Thus, it can be seen that Korpela's backbone network type corresponds to the CN Domain Identity. To the contrary, the CN Domain Identity in the present application is defined in the specification as a portion of "information related to core network," which is distinct from "core network operating type information" recited in claims 358-372. See, e.g., Specification, page 42, lines 14-16. More specifically, as described in reference to Fig. 9A:

core network operating type information CN Type of "0" or "1" is written in a first field of the Sync channel message and information elements related to the GSM-MAP network, PLMN identity information PLMN_ID, CN domain identity information and NAS system information, are sequentially written in the subsequent fields of the message.

Specification, page 44, lines 17-26 (emphasis added). Therefore, the CN domain identity refers to domain rather than operating type, and contains different information and is written in different message fields than the core network operating type information. Accordingly,

Korpela's backbone network type code 102, which corresponds to the CN domain identity, does not disclose "core network operating type information."

Thus, because the country identification portion 101, the network identifying portion 103, and the backbone network type code 102 fail to disclose "core network operating type information," Korpela fails to disclose every feature of claims 358-372. The Specification fails to remedy the shortcoming of Korpela.

Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 358-367, 369, and 371, and all the claims that depend therefrom are allowable.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the grounds for rejection have been rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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10.2 Information element functional definitions

10.2.1 CN Information elements

10.2.1.1 CN domain identity

Points out the core network domain (e.g. IP or PSTN/ISDN CN domain).

10.2.1.2 NAS binding info

A field with non-access stratum information to bind a RAB to the non-access stratum. This information is transparent to RRC.

10.2.1.3 NAS message

A non-access stratum message to be transferred transparently through UTRAN.

10.2.1.4 NAS system information

System information that belongs to the non-access stratum (e.g. LAC, RA code etc). This information is transparent to RRC.

10.2.1.5 PLMN identity

Parameters	REFERENCE	TYPE	NOTE
MCC, Mobile Country Code		M	
MNC, Mobile Network Code		M	

10.2.2 UTRAN mobility Information elements

10.2.2.1 Cell identity

Identity of a cell within a PLMN.

Note: The necessity and usage of this information element is FFS.

10.2.2.2 Cell selection and re-selection info

Parameters	REFERENCE	TYPE	NOTE
Standby allowed reception level (dBm)		M	The usage of these parameters needs clarification FFS.
Standby prohibited reception level (dBm)		M	
Threshold for Cell Re-selection (dB)		M	
Allowed reception SIR (dB)		M	
Radio link timeout			